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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 JOSEPH EUGENE PIOVO, Individually and as)
9 Beneficiary of Vice Roy United Nations Credit)
and Commerce International Blind Trust,)

10 Plaintiff,)

11 vs.)

12 ROBERT STONE, *et al.*,)

13 Defendants.)
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Case No. 2:13-cv-01922-APG-GWF

ORDER

Motion to Quash (#108)

15 This matter comes before the Court on Defendant Ronald A. Colquitt's Motion to Quash
16 Service and to Dismiss Complaint Pursuant to FRCP 4(m) and FRCP 12(b)(5) (#108) filed on
17 September 2, 2014.

18 **DISCUSSION**

19 Federal Rule of Civil Procedure 4(m) provides that,

20 [i]f a defendant is not served within 120 days after the complaint is
21 filed, the court - on motion or on its own after notice to the plaintiff -
22 must dismiss the action without prejudice against that defendant or
order that service be made within a specified time. But if the plaintiff
shows good cause for the failure, the court must extend the time for
service for an appropriate period.

23 FRCP 4(m).

24 Defendant Colquitt was first named in the Amended First Complaint (#60), filed on March
25 28, 2014. The First Amended Complaint was stricken on April 10, 2014 because it was filed
26 without leave of the court. The Plaintiff filed a Second Amended Complaint (#74) on May 27,
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1 2014. This started the service period as to Defendant Colquitt. Defendant Colquitt was served on
2 August 7, 2014, before the service period expired. Accordingly,

3 **IT IS HEREBY ORDERED** that Defendants's Motion to Quash Service (#108) is **denied**.

4 DATED this 3rd day of October, 2014.

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7 GEORGE FOLEY, JR.
8 United States Magistrate Judge
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